

U.S. BANKRUPTCY COURT
Western District of Wisconsin
SECTION 341 MEETING PROCEEDING MEMO AND
STANDING CHAPTER 13 TRUSTEE'S REPORT

IN RE:

Name: Scott Patrick & Teresa Lynn Simmons

Case # 23-10440

Debtor Information:

SS#: XXX-XX-8799

Addr: 11426 East 3rd Street
Lake Nebagamon, WI 54849

County: DOUGLAS

Spouse Information:

SS#: XXX-XX-4355

Addr: 11426 East 3rd Street
Lake Nebagamon, WI 54849

County: DOUGLAS

Debtor's Attorney: PETER C. GREENLEE

Date Filed: 03/25/2023

341 Meeting Date: 04/26/2023 Adjourned 341 Date:

Schedules Filed:

Tape #: 12

Plan Filed: 03/25/2023

Amd Plan Filed: 03/25/2023

Appearances: Debtor: DL,SS,VF

Attorney: y

Creditors: _____

1. INFORMATION WHICH WOULD MAKE DEBTOR'S STATEMENTS AND SCHEDULES MORE ACCURATE:

A. New Employment: _____

B. New Address: _____

C. Other: _____

2. ELIGIBILITY / DEBT ANALYSIS:

A. Eligible under Section 109(e)? Y

B. Analysis of Scheduled Debt:

Attorney	3,000.00
Unsecured	71,407.00
Refund	0.00
Secured	95,617.00
Case Costs	0.00
Total Debt	<u>170,024.00</u>

C. Does Debtor have Regular Income? Y

D. Prior Bankruptcies: 18-10460 Ch7 filed in Wisconsin Western on 02/16/2018, Standard Discharge on 06/11/2018

E. DSO's: Y _____ N _____

F. Tax Returns

Tax Year	Income	Refund Due Trustee	Federal Tax Return Received On	Refund Amt	State Tax Return Received On	Refund Amt	EIC Amount	Other Amount	Other 1 Amount
2022	57,979.00	-3,689.00		3,522.00		-572.00	139.00	6,500.00	0.00

G. Self Employment

Is Debtor Self Employed? Y
Does Debtor Incur Trade Debt? N
Did Debtor Complete Business Trade Questionnaire? Y
Will a Monthly Operating Report be Required? Y _____ N _____

3. MONTHLY BUDGET:

Budgeted Income	5150.00	Available for Plan	880.00
Budgeted Expenses	4270.00	Plan Payments	879.99
Available for Plan	880.00	Excess	0.01

A. Does Budget appear reasonable? Y

-SOFA#27 INDICATES "DEBTOR'S INDEPENDENT BUSINESS" CURRENTLY OPERATING - NO BUSINESS BUDGET OR BUS INCOME ON SOFA#4& SCH I INDICATES \$125/MO NET INCOME- she does Young Living sales as a sideline

-PAY ADVICES INDICTE \$150/MO 401K CONTRIBUTION FOR D1 BUT \$0 ON SCH I, EXPLAIN
- yes, is paying that currently.

B. Means Test: Is all disposable income applied? (Sec 1325(b)(1)(B)) Y

-SOFA#5&18 - REC'D \$2100 FOR BUS EQUIP SOLD 1/2023, WHAT WERE FUNDS USED FOR? - day to day exp
-SCH C CLAIMS WI EXEMPTIONS FOR ASSET BUT USES FED FOR IRA. - discussed need to pick one, Trustee will not obj atm as minimal amt and exemptable under either

C. Will debtor be able to make all payments under the plan and comply with the plan? (Sec 1325(a)(6))N

-NEW JOB FOR D2 AT FILING, PER SCH I USED OLD INCOME INFO TO COMPLETE BUDGET, AMENDMENT NEEDED (\$1500/MO GROSS)? only one check so far \$1100 every two weeks

4. PLAN:

A. Number of months the Plan is expected to last: 48

Payment Start	Payment End	Payment Amount	Frequency	Source
4/24/2023	4/7/2027	406.15	BIWEEKLY	DEBTOR

B. Total to be paid into the Plan: 42239.60

C. Approximate percentage to Unsecureds: 0

D. Source of Income: PEACE OF MIND OF DULUTH

Spouse income: SAFE HAVEN

E. Wage Order Sent To: PEACE OF MIND OF DULUTH - DISCUSS MTD (OBJ DUE 5-16) & BW HANDLING WITH
ATTY-SEE LTR - SAYS WD FROM WAGE 4-14 406.15

F. Payments received to Date: \$0.00 N
Will debtor commence payments within 30 days after the plan has been filed? Y

G. Has the plan been proposed in good faith and not any means forbidden by law? (Sec 1325(a)(3))
If "No", plan cannot be confirmed.

H. Attorney Fee Requested 4000.00 Paid to Date: 1000.00
Balance Due Under Plan 3000.00 Approximate months to pay: 4.00
Trustee recommends amount requested? Y
If no, amount the Trustee recommends:

I. Does the Plan Properly Classify Debts? Y

J. Does the plan provide for curing of default or payment in full of Secured Debt? (Sec 1325(a)(5))Y

K. Does the plan provide for full payment of Priority Debt? Y
-NONE

L. Was a Liquidation
Analysis Provided By the

	<u>Under Chapter 7</u>	<u>Under Chapter 13</u>
Debtor? (Sec 1325(a)(5))	Assets: 222998.00	Total Paid To Plan: 42239.60
N	Admin, Security: 98617.00	A.S.P. Debt: 98617.00
Unsecureds Do Better	Priority (ASP) 98617.00	Less Direct: 67210.00 31407.00
Under Chapter: 13	Exemptions: 126383.00	Trustee Fee on Net A.S.P: 1653.00
	Available for UnSec: -2002.00	Amt Avail for Unsec: 9179.60

5. CLAIMS AND OBJECTIONS

Direct Claims

LEO & LOIS YRJANAINEN	Scheduled for: 67,210.00	Filed for: 0.00
Claim Ref Number: 36	Scheduled as: DIRECT	Filed as: Not Filed
Reason: land contract 11426 E 3RD ST		Filed date:
Objection Filed? No		

Secured

ONEMAIN FINANCIAL OF MINNESOTA INC	Scheduled for: 7,048.00	Filed for: 7,048.00
Claim Ref Number: 39	Scheduled as: Secured	Filed as: Secured
Reason: 2016 Ford Fusion		Filed date: 4/13/2023
Objection Filed? No		

PREFERRED CREDIT INC	Scheduled for:	250.00	Filed for:	250.00
Claim Ref Number: 40	Scheduled as:	Secured	Filed as:	Secured
Reason: Rainbow Vacuum			Filed date:	4/19/2023
Objection Filed? No				

ALLY CAPITAL	Scheduled for:	16,553.00	Filed for:	16,553.00
Claim Ref Number: 38	Scheduled as:	Secured	Filed as:	Secured
Reason: 2014 Ford F150			Filed date:	4/25/2023
Objection Filed? No				

DOUGLAS CO TREASURER	Scheduled for:	4,556.00	Filed for:	0.00
Claim Ref Number: 37	Scheduled as:	Secured	Filed as:	Not Filed
Reason: RE TAXES: 11426 E 3rd St			Filed date:	
Objection Filed? No				

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US BANKRUPTCY COURT	Scheduled for:	0.00	Filed for:	0.00
Claim Ref Number: 4	Scheduled as:	Case Costs	Filed as:	Not Filed
Reason:			Filed date:	
Objection Filed? No				

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DEBTOR	Scheduled for:		Filed for:	
Claim Ref Number: 2	Scheduled as:	Refund	Filed as:	Refund
Reason:			Filed date:	3/25/2023
Objection Filed? No				

DEBTOR	Scheduled for:	0.00	Filed for:	0.00
Claim Ref Number: 3	Scheduled as:	Refund	Filed as:	Not Filed
Reason:			Filed date:	
Objection Filed? No				

Attorney

PETER C. GREENLEE	Scheduled for:	3,000.00	Filed for:	
Claim Ref Number: 1	Scheduled as:	Attorney	Filed as:	Not Filed
Reason:			Filed date:	
Objection Filed? No				

6. TRUSTEE RECOMMENDATIONS:

Does Trustee Recommend Confirmation? N

Trustee Comments:

{ 3C, 4F }
- New jobe for D2 appears to ~\$600 higher, amend plan Sch I as appropriate.
- MTD for no pmts. Obj due 5-16

Date Completed: 04/28/2023

/s/

Mark Harring
Standing Chapter 13 Trustee

